

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NAUTICA CONDOMINIUM OWNERS  
ASSOCIATION, a Washington non-profit  
corporation,

Plaintiff,

v.

ASPEN SPECIALTY INSURANCE  
COMPANY, a North Dakota corporation, *et al.*

Defendants.

Case No. C15-1788RSM

NAUTICA CONDOMINIUM OWNERS  
ASSOCIATION, a Washington non-profit  
corporation,

Plaintiff,

v.

UNITED STATES FIRE INSURANCE CO.,  
*et al.*

Defendants.

Case No C16-1983RSM

1 NAUTICA CONDOMINIUM OWNERS  
2 ASSOCIATION, a Washington non-profit  
3 corporation,

4 Plaintiff,

5 v.

6 COMMONWEALTH INSURANCE  
7 COMPANY OF AMERICA., *et al.*

8 Defendants.

9 C17-0082RSM

10 STIPULATED MOTION AND ORDER  
11 FOR CONSOLIDATION OF RELATED  
12 ACTIONS UNDER FRCP 42(a)(2)

## I. STIPULATION

13 Plaintiff Nautica Condominium Owners (“Association”); Hartford Fire Insurance  
14 Company, Great American E & S Insurance Company; Commonwealth Insurance Company of  
15 America; Chubb Custom Insurance Company; and U.S. Fire Insurance Company collectively the  
16 “Defendants”, hereby stipulate as follows:

17 1. The cases *Nautica Condominium Owners Association v. Aspen Specialty Insurance*  
18 *Company et al.*, Western District of Washington Cause No. 2:15-cv-01788-RSM; *Nautica*  
19 *Condominium Owners Association v. U.S. Fire Insurance Company et al.*, Western District of  
Washington Cause No. 2:16-cv-01983-JLR; and *Nautica Condominium Owners Association v.*  
20 *Commonwealth Insurance Company of America et al.*, Western District of Washington Cause  
21 2:17-cv-00082-TSZ, involve claims for insurance coverage for alleged damage to the Nautica  
22 Condominium building.

23 2. The cases share common issues of fact and law as to liability and damages. The cases  
24 also involve many of the same lay and expert witnesses, Association records, and other  
25 documentary evidence.

26 3. Consolidating the cases for trial under Fed. R. Civ. P. 42(a)(2) will promote efficiency  
and conserve judicial resources. It will also conserve the parties’ resources, as it will avoid  
duplicative discovery.

STIPULATED MOTION AND ORDER FOR  
CONSOLIDATION OF RELATED ACTIONS

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1 4. Pursuant to LCR 42(a) The Association and all Defendants stipulate that the later filed  
2 lawsuits cause No. 2:16-cv-01983-JLR; and 2:17-cv-00082-TSZ shall be consolidated into the  
3 current case: *Nautica Condominium Owners Association v. Aspen Specialty Insurance Company*  
4 *et al.*, Western District of Washington Cause No. 2:15-cv-01788-RSM

5 5. The Association and all Defendants agree that the caption for the current case: *Nautica*  
6 *Condominium Owners Association v. Aspen Specialty Insurance Company et al.*, Western  
7 District of Washington Cause No. 2:15-cv-01788-RSM BJR shall be amended to add all  
8 Defendants.

9 6. *Nautica Condominium Owners Association v. Aspen Specialty Insurance Company et al.*,  
10 Western District of Washington Cause No. 2:15-cv-01788-RSM, is currently set for a jury trial  
11 on September 11, 2017. Case schedules for cause No. 2:16-cv-01983-JLR; and 2:17-cv-00082-  
12 TSZ have not been set.

13 7. The parties agree that trial shall take place on March 27, 2018 or as soon thereafter as  
14 permitted by the Court's schedule. The parties agree and request that the case schedule for 2:15-  
15 cv-01788-RSM shall govern this lawsuit, and that this case schedule and its deadlines be  
16 extended in a way consistent with a March 27, 2018 trial date or a date soon thereafter.

17 8. The Association and all Defendants who have appeared in the three lawsuits have met and  
18 conferred regarding this Stipulation and Proposed Order, as called for in LCR 42(b).

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DATED 03/06/17

By /s/ Daniel Stein  
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DATED 03/06/17

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19 Attorneys for Chubb Custom Insurance Company

## II. ORDER

Based on the foregoing Stipulation, it is hereby ORDERED:

1) That *Nautica Condominium Owners Association v. U.S. Fire Insurance Company et al.*, Western District of Washington Cause No. 2:16-cv-01983-RSM; and *Nautica Condominium Owners Association v. Commonwealth Insurance Company of America et al.*, Western District of Washington Cause No. 2:17-cv-00082-RSM shall be consolidated into the current case: *Nautica Condominium Owners Association v. Aspen Specialty Insurance Company et al.*, Western District of Washington Cause No. 2:15-cv-01788-RSM.

2) That the caption for the current case: *Nautica Condominium Owners Association v. Aspen Specialty Insurance Company et al.*, Western District of Washington Cause No. 2:15-cv-01788-RSM be amended to add all Defendants.

3) The parties agree that trial shall take place on March 27, 2018 or as soon thereafter as permitted by the Court's schedule. The case schedule for 2:15-cv-01788-RSM shall govern this lawsuit and be amended to reflect a March 27, 2018, trial date, or a date soon thereafter, with its deadlines therein extended in a way consistent with the new trial date.

4) The Clerk shall post a copy of this order in 2:15-cv-01788-RSM, 2:16-cv-01983-RSM, and 2:17-cv-00082-RSM.

DATED this 8 day of March, 2017.

Ricardo S. Martinez  
RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE